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February 15, 2024

**VIA ECF**

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Juan Orlando Hernandez, et al*, 15 Cr. 379 (PKC)

Dear Judge Castel:

I write to again request an adjournment of the trial in the above-referenced matter, scheduled to start on Tuesday, February 20, 2024. I request an adjournment of 90-180 days to prepare. There are new reasons for this request, which are as follows:

**First**, as of February 9, 2024, the defendant received access to a laptop computer on which to review discovery, which is ongoing, including a 540-page sensitive production *yesterday*, described below. Mr. Hernandez cannot review all of this material before trial, because sensitive material must be reviewed in the presence of counsel, pursuant to the Protective Order entered by the Court in this case. Once trial starts, Mr. Hernandez will be in court and unable to review discovery. Pursuant to this Court's January 23, 2024 Order, Mr. Hernandez does not have weekend access to the laptop and has only been authorized 10-15 hours per week to look at the laptop. The defendant is the person in the best position to point out inconsistencies and inaccuracies in the discovery and direct counsel to investigative leads. In terms of prejudice, I simply do not know what I do not know, so without the opportunity to review the discovery with the defendant, I cannot effectively defend Mr. Hernandez. The

Government continues to produce both Rule 16 discovery (as recently as yesterday)<sup>1</sup> and 3500 material, which are not loaded onto the laptop provided to Mr. Hernandez at the MDC.

**Second,** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>1</sup> Yesterday, the Government produced 40 additional redacted unclassified reports marked sensitive, totaling 540 pages. While I have not read it all, the few reports I have looked at appear to be material to the defense. Because these documents are marked sensitive, they cannot be produced to the defendant and can only be reviewed by him in the presence of counsel, which is not possible given that we just received them and trial is scheduled to start next week. In total, the Government produced more than 3,300 pages of redacted unclassified reports, around 2,200 of which were produced since January 13, 2024 – all of which are marked sensitive and can only be reviewed by the defendant in the presence of counsel.

[REDACTED]

[REDACTED]

**Third**, the defendant has identified fact witnesses who he wishes the defense to subpoena. Many (if not all) of them reside in Honduras. I have been informed that some of these witnesses may have visas to travel to the United States and some have had their visas revoked. If these fact witnesses are unable to travel to the United States, we would have to apply to the Court to have them testify remotely and make those arrangements.

**Fourth**, the defendant must decide if he wishes to testify at trial. There are ongoing classified proceedings to determine what classified information may be shared with the uncleared counsel and the defendant. In order to prepare Mr. Hernandez to possibly testify, I need to know what information is unclassified before the trial starts. With the trial starting next week and sensitive unclassified documents still being produced as recently as yesterday, I have not had adequate time to prepare the defendant to testify and be ready for trial.

**Fifth**, while I continue to diligently work full time trying to learn the case, there are other administrative tasks that have occupied my time, including making arrangements for the defendant's laptop, trial clothing, for the defense to bring electronic devices to trial, ordering trial transcripts, meeting with the defendant at the MDC just to get up to speed, meeting with the defendant and cleared counsel in the SCIF, and arranging for other trial resources, in addition to the circumstances I described in my January 26, 2024 letter to the Court, which remain

unresolved. There is not enough time to complete all of the tasks necessary to render effective assistance of counsel under these circumstances.

Accordingly, I renew my request for a 90-180 day adjournment of the trial.

I thank the Court for its continued consideration.

Respectfully submitted,

/s/

Renato C. Stabile

cc: All counsel  
(redacted version only)  
(via ECF)